1. **Call to Order:** 9:30 AM

2. **Roll Call**— Roll was called with all members present. Also present were Frankie Eckberg, Assistant Attorney General; Sam Barcelona, Executive Director; Joyce Voss, Assistant Director, Boaz Alvarado, Administrative Assistant III and Mary Jane Jones, Administrative Assistant II.

   Present: Gary Roberts
   Steve Sandler
   Marshall Knox
   John Lewis

   Absent: Ron Thomas

3. **Declaration of Conflicts of Interest Recusal -- A.R.S. § 38-503** — none

4. **Review, Discussion and Approval of Board Meeting Minutes** — Gary Roberts moved to adopt the minutes with three corrections. John Lewis seconded the motion; motion passed unanimously. Mr Roberts had Sam Barcelona introduce the Board’s newest employee, Boaz Alvarado. He was one of forty applicants for this position. He has a barber background, owned his own barber shop, has a degree in criminology, has experience in law firms and is bilingual. Mr Roberts also passed the plaque that will be presented to Sam LaBarbera at a future meeting.

5. **Call to the Public** — none

6. **Review, Discussion and Possible Action on Formal Hearings** — none

7. **Informal Interviews for the Review, Discussion and Possible Action on Informal Interview Cases that have been paid and are recommended for closure.** The Consent Agenda items may be considered for approval as a single action unless a Board member or any other interested party wishes to remove an item for discussion.

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Licensee</th>
<th>License #</th>
<th>Amt Pd</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Raudel Macias</td>
<td>528</td>
<td>$ 50</td>
</tr>
<tr>
<td>b.</td>
<td>Marina Martinez</td>
<td>2768</td>
<td>$200</td>
</tr>
<tr>
<td>c.</td>
<td>B Christina Zavala</td>
<td>3563</td>
<td>$100</td>
</tr>
<tr>
<td>d.</td>
<td>Juan Cuevas</td>
<td>4462</td>
<td>$100</td>
</tr>
<tr>
<td>e.</td>
<td>Ruth Camacho</td>
<td>1146-E</td>
<td>$100</td>
</tr>
</tbody>
</table>

   Mr Roberts moved to accept the civil penalty payments for the cases above and consider them closed. Marshall Knox seconded the motion; motion passed unanimously.


8. **Review, Discussion and Possible Action on Informal Interviews.**

The cases were heard in the following order:

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Licensee</th>
<th>License No(s.)</th>
<th>Possible Violation(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016-010</td>
<td>Francis Fazio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016-029</td>
<td>Jose C Borboa</td>
<td></td>
<td>was this heard?</td>
</tr>
<tr>
<td>2016-030</td>
<td>Jose D Burboa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016-031</td>
<td>Eladio Burboa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2016-028</td>
<td>David F Lopez</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2015-077</td>
<td>Maria De Lourdes Saldana</td>
<td>3637</td>
<td>lapsed license, license not posted</td>
</tr>
<tr>
<td>2015-082</td>
<td>B Christina Zavala</td>
<td>3563</td>
<td>unsanitary workstation, unsanitary tool drawer</td>
</tr>
<tr>
<td>2015-087</td>
<td>Christian Munive</td>
<td>3487</td>
<td>with an unsanitary tool drawer and a dirty neck duster</td>
</tr>
<tr>
<td>2015-088</td>
<td>Xavier Sotelo</td>
<td>6047</td>
<td>with an inadequate wet sanitizer and an unsanitary workstation</td>
</tr>
</tbody>
</table>

**a.**  
Case No: 2015-077  
Licensee: Maria De Lourdes Saldana  
License No(s.): 3637  
Possible Violation(s): lapsed license, license not posted  
Staff Report: Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail to home was accepted 5/23/2016 by (signature illegible). Response date was 5/30/2016.

**b.**  
Case No: 2015-082  
Licensee: B Christina Zavala  
License No(s.): 3563  
Possible Violation(s): unsanitary workstation, unsanitary tool drawer  
Staff Report: Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. The USPS tracking said the certified mail was "delivered, left with individual" but we have not received the green card.

**c.**  
Case No: 2015-087  
Licensee: Christian Munive  
License No(s.): 3487  
Possible Violation(s): with an unsanitary tool drawer and a dirty neck duster  
Staff Report: Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was returned marked "attempted--not known" -- the envelope was returned but the green card was missing.

**d.**  
Case No: 2015-088  
Licensee: Xavier Sotelo  
License No(s.): 6047  
Possible Violation(s): with an inadequate wet sanitizer and an unsanitary workstation  
Staff Report: Certified and regular mail sent to shop address on 5/20/16. Certified mail was accepted 5/23/2016 by Daniel Martinez. Response was due 6/7/2016.
f. Francis Fazio was present; he was sworn in and represented himself. Mr. Fazio was sworn in and testified that he keeps his tools in a container in the tool drawer. He was not working on the day of the inspection at this shop. He knows other people use his station when he is absent. Joyce Voss agreed that he was not at the end shop during the.

Case No: 2015-109  
Licensee: Manuel Mejias  
Possible Violation(s): For Barber License No. 6040--license not current; practicing in an unlicensed shop; For Establishment License No. 0521-E--operating a shop without a license  
Certified and regular mail sent to shop address on 5/20/16. Both were returned marked vacant.

Case No: 2016-010  
Licensee: Francis Fazio  
Possible Violation(s): unsanitary workstation, unsanitary tool drawer  
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by Francis Fazio on 6/17/2016. We have received a response and he plans to attend the Interview.

This case was continued. Mr Muhammad is still out of state with an ill family member.

h. Anthony Washington was present; he was sworn in and represented himself. Mr. Washington was sworn in and testified that he keeps his tools in a container in the tool drawer. He was not working on the day of the inspection at this shop. He knows other people use his station when he is absent. Joyce Voss agreed that he was not at the end shop during the.

Case No: 2016-021  
Licensee: Anthony Washington  
Possible Violation(s): unsanitary tool drawer  
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Both envelopes to home address were returned. Response was due 7/12/2016.
Minutes – July 11, 2016

i. Case No: 2016-025
Licensee: Ruth Camacho
Possible Violation(s): overall condition of shop
By Joyce Voss
Staff Report
License No(s.): 1146-E
Inspection Report No. 28395 on 8/6/2015
Certified and regular mail sent to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.

j. Case No: 2016-028
Licensee: David F Lopez
Possible Violation(s): dirty neck duster
By Sam LaBarbera
Staff Report
License No(s.): 5861
Inspection Report No. 28284 on 6/24/2015
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.

david f lopez was present; he was sworn in and represented himself. mr. lopez said he was told by the inspector at the inspection that his neck duster wasn’t that dirty. mr. roberts thanked him for coming today and then moved for a $100 civil penalty. mr. sandler seconded the motion; motion passed unanimously.

k. Case No: 2016-029
Licensee: Jose C Borboa
Possible Violation(s): inadequate dip sanitizer
By Sam LaBarbera
Staff Report
License No(s.): 5948
Inspection Report No. 28284 on 6/24/2015
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016. He plans to attend the interview.

l. Case No: 2016-030
Licensee: Jose D Burboa
Possible Violation(s): dirty neck duster
By Sam LaBarbera
Staff Report
License No(s.): 1391
Inspection Report No. 28284 on 6/24/2015
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Both mailings to home address were returned marked "attempted--unknown". Response was due 6/12/2016.

Jose D Burboa was present; he was sworn in and represented himself. He is willing to pay the civil penalty. He and his father, Eladio Burboa, were here to discuss something else that was on the Agenda. He said his father was also willing to pay any civil penalty. Mr Roberts moved to issue a $100 civil penalty. Mr Sandler seconded the motion; motion passed unanimously.

m. Case No: 2016-031
Licensee: Eladio Burboa
Possible Violation(s): unlicensed barber, 2 dirty neck dusters
By Sam LaBarbera
Staff Report
License No(s.): 0805-E
Inspection Report No. 28284 on 6/24/2015
Certified and regular mail sent to shop on 5/20/16. Certified mail was accepted by (signature illegible) on 5/23/2016. Response was due 6/7/2016.
Eladio Burboa was present; he was sworn in and represented himself. Jose D Burboa translated for his father. In regards to the unlicensed barber, they had come to the Board to check on this barber and they thought he was licensed. Eladio and Jose D Burboa think it is unjust that the shop takes the brunt of any civil penalty regarding unlicensed barbers and the unlicensed barber cannot be fined. Frankie Shinn-Eckberg requested this responsibility of a shop owner is in the statutes. She told them that the unlicensed barber is also liable but it is done elsewhere; practicing without a license is a criminal offense. Boaz Alvarado added that he knew this witness and feels the witness really thought the employee was really a barber. Mr. Roberts moved to dismiss this case on all counts. Mr. Lewis seconded the motion; motion passed unanimously.

n.

Case No: 2016-033
Licensee: Manuel Ortiz
Possible Violation(s): lapsed license
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by I T Ortiz on 5/24/2016. Manuel Ortiz telephoned the office to inform us he has been living in Washington for many years. He owns his own shop there. His accounting firm sent a letter verifying this information.

Staff had been sent documents which showed Manuel Ortiz has been residing in the State of Washington for the last ten years. This appears to be a case of identity theft. Mr Roberts moved to dismiss this case. Mr Lewis seconded the motion; motion passed unanimously. Mr Roberts further moved to “red flag” the license so it can be investigated if a renewal is attempted. Mr Lewis seconded the motion; motion passed unanimously.

o.

Case No: 2016-037
Licensee: Alfonso Orozco
Possible Violation(s): unsanitary workstation, excess trash, inadequate dip sanitizer
Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. The USPS tracking systems says certified mail was delivered 6/13/2016 and left with an individual, however it was returned to us marked “return to sender”. Response

p.

Case No: 2016-040
Licensee: Andre Rodriguez
Possible Violation(s): unsanitary work station
Certified and regular mail sent to home address and by regular mail to shop on 5/21/16. The USPS tracking systems says certified mail was delivered 6/26/2016 and left with an individual; however, all three envelopes were returned Response was due 7/11/2
9. Consent Agenda for the Review, Discussion and Possible Action on Consent Agreements

a. Case No: 2016-076
   Licensee: Manuel Ortiz
   Possible Violation(s): Lapsed license
   License No(s.): 3994
   Staff Report: Certified and regular mail sent to home address and by regular mail to shop on 5/20/16. Certified mail was accepted by I T Ortiz on 5/24/2016. Manuel Ortiz telephoned the office to inform us he has been living in Washington for many years. He owns his own shop there. His accounting firm sent a letter verifying this information.

Staff had been sent documents which showed Manuel Ortiz has been residing in the State of Washington for the last ten years. This appears to be a case of identity theft. Mr Roberts moved to dismiss this case. Mr Lewis seconded the motion; motion passed unanimously. Mr Roberts further moved to “red flag” the license so it can be investigated if a renewal is attempted. Mr Lewis seconded the motion; motion passed unanimously.

Ms Shinn-Eckberg said some of the cases who have not been heard today could be dismissed for staleness. Mr Roberts moved to dismiss the following cases for staleness and any other case which was investigated in 2014 and has not already been moved to a hearing:

   Case No. 2015-077 Maria De Lourdes Saldana
   Case No. 2015-087 Christian Munive
   Case No. 2015-088 Xavier Sotelo
   Case No. 2015-109 Manuel Mejias

Mr Lewis seconded the motion; motion passed unanimously.

Mr Roberts moved to hold a formal hearing for the following cases:

   Case No. 2016-020 Anthony Washington
   Case No. 2016-029 Jose C Borboa
   Case No. 2016-037 Alfonso Orozco
   Case No. 2016-040 Andrew Rodriguez

Mr Lewis seconded the motion; motion passed unanimously.

10. Consent Agenda for the Review, Discussion and Possible Action on Investigative Reports: Cases recommended for disciplinary consent agreements. None

11. Report from the Assistant Attorney General – the Board may review and discuss the listed items:

a. Cash payments of fees--Ms. Shinn-Eckberg says the board cannot refuse cash payments at this time; this action needs to be completed through GRCC before it is legal to refuse to accept cash. Mr. Barcelona said he would contact GRRC to find the procedure that they will need to follow.

b. Board generated complaints for non-compliance/timely compliance – the subject of when Staff should refuse payment of civil penalties when a hearing is scheduled. Ms. Shinn-Eckberg said the Board could direct Staff not to accept civil penalty payments but this action must be consistent in all similar cases.
c. Dual citations for licensed barber and supervisor/holder of license to operate a shop - again Board can direct Staff who to cite and this action must be consistent in all similar cases.

d. Invalid consents; service – certified mail can be accepted by anyone but consent agreements must be signed by the person cited.

e. Cease and desist; injunctive relief for unlicensed barber – this is a misdemeanor.

f. Inspection of barber schools – the Board has full authority to fine schools for noncompliance with State laws and rules.

g. DES/DCSS update – this request from DES has been handed to the head of the Civil Enforcement Section of the Attorney General’s office.

12. Report from the Executive Director – the Board may review and discuss the listed items:

a. Website reviewed—website has been launched.

b. IT network possibilities—a coalition with other Boards is to investigation the possibility of creating our own software or getting a reduction in fees for current programs.

c. Independent contractors vs employees and their implications for inspections—this has already been discussed.

d. School deficiencies and alternatives—this has already been discussed. At the last examination there were 40 failures out of 60 applicants.

e. Instructor’s examinations—Mr Knox said a new exam is almost ready.

f. Request from the Department of Economic Security regarding child support—this has already been discussed.

g. Update on personnel changes – Boaz Alvarado was previously introduced.

h. Changes in mailing procedures and certified mail—this has already been discussed.

13. Discussion of items to be placed on a future meeting agenda.


15. Motion to Adjourn

Mr Roberts moved to adjourn. Mr Knox seconded motion; motion passed unanimously.

July 11, 2016

___________________________________  __________________________________
Gary Roberts, Chairman                   Mary Jane Jones, Secretary